

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASHIKEB SADDZOAI,
Plaintiff,

v.

RON DAVIS, et al.,
Defendants.

Case No. 18-05558 BLF (PR)

**ORDER DENYING MOTION FOR
EXTENSION OF TIME TO FILE
SUR-REPLY**

(Docket No. 45)

Plaintiff, a state prisoner, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Defendant Clawson filed a motion to dismiss Plaintiff's third amended complaint on March 13, 2020. Dkt. No. 32. Plaintiff filed an opposition, Dkt. No. 42, and Defendant filed a reply, Dkt. No. 44.

Plaintiff has filed a motion for an extension of time to file a sur-reply. Dkt. No. 45. Defendant opposes the motion under the Northern District's Local Rule 7-3(d), which prohibits supplemental briefing where no new evidence has been submitted in reply. Dkt. No. 46 at 1, citing Civ. L.R. 7-3(d).


Local Rule 7-3(d) provides that "[o]nce a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval" *except* to file an objection to new evidence submitted in the reply. Civ. L.R. 7-3(d)(1). In his motion, Plaintiff fails to

1 explain why a sur-reply is necessary and to what new evidence submitted by Defendant he
2 intends to object. Dkt. No. 45. Furthermore, the Court has reviewed Defendant's reply
3 and finds that no new evidence was submitted therewith. Dkt. No. 44. Accordingly, the
4 Court finds Plaintiff is not entitled to file supplementary material to Defendant's motion to
5 dismiss under Local Rule 7-3(d). The matter became submitted upon the filing of
6 Defendant's reply. Dkt. No. 22 at 5. Therefore, Plaintiff's motion for an extension of time
7 to file a sur-reply is DENIED.

8 This order terminates Docket No. 45.

9 **IT IS SO ORDERED.**

10 **Dated: __June 1, 2020__**


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

25 Order Denying M. for Ext. of Time to File Sur-reply
26 PRO-SE\BLF\CR.18\05558Saddozai_deny.eot-surreply